

FILED: February 5, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2090
(CP15-554-000)
(CP15-554-001)
(CP15-555-000)

DEFENDERS OF WILDLIFE; SIERRA CLUB; VIRGINIA WILDERNESS
COMMITTEE

Petitioners

v.

UNITED STATES DEPARTMENT OF THE INTERIOR; UNITED STATES
FISH AND WILDLIFE SERVICE, an agency of the U.S. Department of the
Interior; JIM KURTH, in his official capacity as Acting Director; PAUL PHIFER,
in his official capacity as Assistant Regional Director, Ecological Services,
Responsible Official

Respondents

ATLANTIC COAST PIPELINE LLC

Intervenor

ORDER

Upon consideration of submissions relative to the motion to compel respondents to complete the administrative record, the court grants the motion and directs the Government, within 30 days, to file the Administrative Record and; (1) specifically identify the documents contained in the FERC docket that comprise part of the administrative record in this appeal; (2) submit an affidavit confirming the steps taken to ensure that the administrative record is complete and affirming that the Government searched for all relevant documents in accordance with agency guidance; and, (3) submit a privilege log in the event the Government withholds any documents under the guise of the deliberative process privilege (or any other privilege).

For the Court

/s/ Patricia S. Connor, Clerk